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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CR. No. S-04-471 GEB
)	
Plaintiff,)	
)	MOTION TO DISMISS INDICTMENT
v.)	AS TO DEFENDANT JULIE McCARTY
)	AND [PROPOSED] ORDER
JOSE MANUEL PARRA-ROSALES, and)	
JULIE NOREEN McCARTY,)	
)	
)	
Defendants.)	

Pursuant to Rule 48 of the Federal Rules of Criminal Procedure, Plaintiff, United States of America, by and through its undersigned attorney, moves this Court for an order dismissing the indictment as to defendant Julie Noreen McCarty in Case No. 04-471 GEB, filed on December 16, 2004.

This motion is made because on August 15, 2005, Chief Magistrate Judge Gregory G. Hollows sentenced the defendant based upon her previous guilty plea to a superseding information charging one misdemeanor violation of Title 8, United States Code § 1324(a)(2)(A) [bringing illegal aliens into the United States].

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1 Defendant's out-of-custody status does not change because she
2 was sentenced to time served on the misdemeanor violation.

3 DATE: August 15, 2005

McGREGOR W. SCOTT
United States Attorney

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6 By /s/ Jason Hitt
JASON HITT
Assistant U.S. Attorney

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10 O R D E R

11 APPROVED AND SO ORDERED:

12 Dated: August 17, 2005

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14 /s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge